



General Assembly

## ***Amendment***

***February Session, 2016***

**LCO No. 5868**



Offered by:  
REP. SRINIVASAN, 31<sup>st</sup> Dist.

To: Subst. Senate Bill No. **247**

File No. 549

Cal. No. 546

***"AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF  
CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE  
DEATH OF A PARENT."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 52-195 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2016 and*  
5 *applicable to actions filed on or after said date*):

6 (a) If the plaintiff does not, within the time allowed for acceptance  
7 of the offer of compromise and before the commencement of the trial,  
8 file the plaintiff's notice of acceptance, the offer shall be deemed to be  
9 withdrawn and shall not be given in evidence.

10 (b) Unless the plaintiff recovers more than the sum specified in the  
11 offer of compromise, with interest from its date, the plaintiff shall  
12 recover no costs accruing after the plaintiff received notice of the filing  
13 of such offer, but shall pay the defendant's costs accruing [after the

14 plaintiff received notice] from the date on which the civil action was  
15 filed, if the offer of compromise was filed not later than eighteen  
16 months after the date on which such civil action was filed. If the offer  
17 of compromise was filed later than eighteen months after the date on  
18 which such civil action was filed, the plaintiff shall pay costs accruing  
19 from the date on which the offer of compromise was filed. Such costs  
20 [may] shall include reasonable attorney's fees [in an amount not to  
21 exceed three hundred fifty dollars] incurred by the defendant or the  
22 defendant's insurance carrier.

23 (c) This section shall not be interpreted to abrogate the contractual  
24 rights of any party concerning the recovery of attorney's fees in  
25 accordance with the provisions of any written contract between the  
26 parties to the action. The provisions of this section shall not apply to  
27 cases in which nominal damages have been assessed upon a hearing  
28 after a default or after a demurrer has been overruled."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016 and applicable to actions filed on or after said date</i>	52-195